

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT SECURITIES  
LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation  
(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC and the  
Chapter 7 Estate of Bernard L. Madoff,

Adv. Pro. No. 10-04285 (CGM)

Plaintiff,

UBS AG, UBS EUROPE SE (f/k/a UBS  
(LUXEMBOURG) SA), UBS FUND SERVICES  
(LUXEMBOURG) SA,  
UBS THIRD PARTY MANAGEMENT COMPANY SA,  
ACCESS INTERNATIONAL ADVISORS LLC,  
ACCESS INTERNATIONAL ADVISORS LTD.,  
ACCESS MANAGEMENT LUXEMBOURG SA (f/k/a  
ACCESS INTERNATIONAL ADVISORS  
(LUXEMBOURG) SA) as represented by its Liquidator  
MAÎTRE FERNAND ENTRINGER, ACCESS  
PARTNERS SA as represented by its Liquidator  
MAÎTRE FERNAND ENTRINGER, PATRICK  
LITTAYE, CLAUDINE MAGON DE LA  
VILLEHUCHET (a/k/a CLAUDINE DE LA  
VILLEHUCHET) in her capacity as Executrix under the  
Will of THIERRY MAGON DE LA VILLEHUCHET  
(a/k/a RENE THIERRY DE LA VILLEHUCHET),  
CLAUDINE MAGON DE LA VILLEHUCHET (a/k/a  
CLAUDINE DE LA VILLEHUCHET) individually as the  
sole beneficiary under the Will of THIERRY MAGON  
DE LA VILLEHUCHET) (a/k/a RENE THIERRY DE

LA VILLEHUCHET), PIERRE DELANDMETER,  
THEODORE DUMBAULD, LUXALPHA SICAV as  
represented by its Liquidators MAÎTRE ALAIN  
RUKAVINA and PAUL LAPLUME, MAÎTRE ALAIN  
RUKAVINA AND PAUL LAPLUME, in their capacities  
as liquidators and representatives of LUXALPHA, and  
GROUPEMENT FINANCIER LTD.,

Defendants.

**ORDER DENYING DEFENDANT DUMBAULD’S  
MOTION TO DISMISS THE SECOND AMENDED COMPLAINT**

Defendant Theodore Dumbauld (“Dumbauld”) filed a motion to dismiss the Second Amended Complaint under Federal Rule of Civil Procedure 12(b)(6) as made applicable by Bankruptcy Rule 7012(b) (ECF No. 295) (the “Motion”) on April 22, 2022. The Court heard oral argument on the Motion on September 14, 2022. The Court has considered the Motion, the papers filed in support of and in opposition to the Motion, and the Second Amended Complaint. The Court issued a memorandum decision, dated December 1, 2022, which is incorporated herein and made a part hereof, denying the Motion (the “Decision”). Based on the record in this adversary proceeding, **IT IS HEREBY ORDERED** that:

1. The Motion is denied.
2. The deadline for Dumbauld to file an answer to the Second Amended Complaint (ECF No. 274) is January 31, 2023.
3. The Court shall retain jurisdiction to implement or enforce this Order.

**Dated: December 6, 2022**  
**Poughkeepsie, New York**



**/s/ Cecelia G. Morris**

**Hon. Cecelia G. Morris**  
**U.S. Bankruptcy Judge**